

SUBCHAPTER A—ORGANIZATION AND PROCEDURES

PART 1—PERFORMANCE OF FUNCTIONS UNDER THIS CHAPTER

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AUTHORITY: 5 U.S.C. 301, Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; (5 U.S.C. 8145, 8149); Secretary of Labor's Order No. 13-71, 36 FR 8155; Employment Standards Order No. 2-74, 39 FR 34722.

SOURCE: 40 FR 6876, Feb. 14, 1975, unless otherwise noted.

§1.1 Establishment of the Office of Workers' Compensation Programs.

The Assistant Secretary of Labor for Employment Standards, by authority vested in him by the Secretary of Labor in Secretary's Order No. 13-71, 36 FR 8755, established in the Employment Standards Administration (ESA) an Office of Workers' Compensation Programs (OWCP) by Employment Standards Order No. 2-74, 39 FR 34722. The Assistant Secretary has further designated as the head thereof a Director who, under the general supervision of the Assistant Secretary, shall administer the programs assigned to that Office by the Assistant Secretary.

§1.2 Assignment of functions.

By Employment Standards Order No. 2-74, 39 FR 34722, the Assistant Secretary has delegated authority and assigned responsibility to the Director, OWCP, for the Department of Labor's programs under the following statutes:

- (a) Federal Employees' Compensation Act (FECA), (5 U.S.C. 8101 et seq.), except 8149 as it applies to the Employees' Compensation Appeals Board.
- (b) War Hazards Compensation Act (WHCA), (42 U.S.C. 1701 et seq.).
- (c) War Claims Act (WCA), (50 U.S.C. App. 2003).
- (d) Longshoremen's and Harbor Workers' Compensation Act (LHWCA),

(33 U.S.C. 901 et seq.), except 921 as it applies to the Benefits Review Board.

(e) District of Columbia Workmen's Compensation Act (DCWCA) (36 D.C. Code 501 et seq.).

(f) Defense Base Act (DBA) (42 U.S.C. 1651 et seq.).

(g) Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331).

(h) Nonappropriated Fund Instrumentalities Act (NFIA) (5 U.S.C. 8171 et seq.).

(i) Title IV of the Federal Coal Mine Health and Safety Act (FCMHSA), 83 Stat. 742, as amended by the Black Lung Benefits Act of 1972 (BLBA) (30 U.S.C. 901 et seq.).

§1.3 Rules in this chapter.

The rules in this chapter are those governing the OWCP functions under the Federal Employees' Compensation Act, the War Hazards Compensation Act, and the War Claims Act.

§1.4 Cross-references.

(a) The rules of the OWCP governing its functions under the Longshoremen's and Harbor Workers' Compensation Act and its extensions, the District of Columbia Workmen's Compensation Act, Defense Base Act, Outer Continental Shelf Lands Act, and Nonappropriated Fund Instrumentalities Act are set forth in subchapter A of chapter VI of this title.

(b) The rules of the OWCP governing its functions under the Black Lung Benefits Act program are set forth in subchapter B of chapter VI of this title.

(c) The rules and regulations of the Employees' Compensation Appeals Board are set forth in chapter IV of this title.

(d) The rules and regulations of the Benefits Review Board are set forth in chapter VII of this title.

§1.5 Abolition of Bureau of Employees' Compensation.

By Secretary of Labor's Order issued September 23, 1974, 39 FR 34723, issued concurrently with Employment Standards Order 2-74, 39 FR 34722, the Secretary revoked the prior Secretary's Order No. 18-67, 32 FR 12979, which had

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delegated authority and assigned responsibility for the various workers' compensation programs enumerated in § 1.2, except the Black Lung Benefits Act program not then in existence, to the Director of the former Bureau of Employees' Compensation.

§ 1.6 Historical background.

(a) Administration of the Federal Employees' Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act was initially vested in an independent establishment known as the U.S. Employees' Compensation Commission. By Reorganization Plan No. 2 of 1946 (3 CFR 1943–1949 Comp., p. 1064; 60 Stat. 1095, effective July 16, 1946), the Commission was abolished and its functions were transferred to the Federal Security Agency to be performed by a newly created Bureau of Employees' Compensation within such Agency. By Reorganization Plan No. 19 of 1950 (15 FR 3178, 64 Stat.

1263) said Bureau was transferred to the Department of Labor, and the authority formerly vested in the Administrator, Federal Security Agency, was vested in the Secretary of Labor. By Reorganization Plan No. 6 of 1950 (15 FR 3174, 64 Stat. 1263), the Secretary of Labor was authorized to make from time to time such provisions as he shall deem appropriate, authorizing the performance of any of his functions by any other officer, agency, or employee of the Department of Labor.

(b) In 1972 two separate organizational units were established within the Bureau: an Office of Workmen's Compensation Programs (37 FR 20533) and an Office of Federal Employees' Compensation (37 FR 22979). In 1974 these two units were abolished and one organizational unit, the Office of Workers' Compensation Programs (OWCP), was established in lieu of the Bureau of Employees' Compensation (39 FR 34722).